IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL No. 480 OF 2006

Yashoda S. Dhore & Ors. .... Appellant

Vs.

Pandurang A. Dhore & Ors. ... Respondent

Dr. S.R. Bhosale and Mr. R. L. Patil, advocates for appellant.

Mr. A. B. Avhad, advocate for respondent.

CORAM : Dr. S. RADHAKRISHNAN, J.

DATE : JUNE 20, 2006.

P.C.

. Heard the learned counsel for the appellant and the respondent. Both the lower courts have concurrently held against the appellant with regard to suit for declaration and injunction. It appears from the lower appellate Court's judgment in paragraph 12 that the appellant had admitted that the suit property was partitioned earlier and the co-parceners had surrendered or waived their rights in regard to these properties, and if that be so, Krishnabai was entitled to bequeath the property. Hence, the submission of the learned counsel for the appellant that the above property was a Joint Hindu Family property, could not be sustained as the same was partitioned earlier. Under these circumstances, there is no substantial question of law involved in this appeal. Appeal stands dismissed.

[Dr. S. RADHAKRISHNAN, J.]